IN THE HIGH COURT OF JUDICTURE FOR RAJASTHAN AT

JODHPUR.

O R D E R

Rajaq Versus State of Rajasthan.

S.B. Criminal Misc. Petition No.1365/2007

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Date of Order: : 07/09/2007

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. Rajendra Charan, for the petitioner.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.

BY THE COURT:

Notice for final disposal is accepted by the learned Public Prosecutor. With the consent of the learned counsel for the parties, the mater is being finally heard and decided at the admission stage.

By the instant criminal miscellaneous petition under Section 482 of the Code of Criminal Procedure, 1973 (for short, "the Code" hereinafter), the petitioner has challenged the order dated

24.8.2007 passed by Additional Sessions Judge (Fast Track) No.1, Bhilwara (for short 'the revisional court' hereinafter) in Criminal Revision No.124/07 whereby the revision petition filed by the petitioner against the order dated 2.8.2007 passed by Additional Chief Judicial Magistrate, Mandalgarh, district Bhilwara (for short 'the trial court' hereinafter) dismissing the application filed by the petitioner under Section 457 Cr.P.C. for releasing the Tractor No. RJ-1-R-3189 with trolley on Supurdignama, was dismissed.

I have heard learned counsel for the parties. Carefully gone through the order impugned.

It is contended by the learned counsel for the petitioner that the fire-woods was being carried in the tractor and at this stage, it cannot be concluded that the woods which the said tractor was carrying, is a “forest produce” or not. It is further contended that if the vehicle is allowed to remain lying at the Police Station for indefinite period, it would expose to the heat, air and rains, resultantly diminishing its value; and the petitioner is prepared to furnish the solvent security.

Having regard to the facts and circumstances, in my view, no useful purpose would be served in allowing the vehicle to remain at the Police Station for unlimited period exposing to heat and open sky

as there is every possibility of diminishing its value.

The criminal miscellaneous petition is, therefore, allowed. The impugned orders are set aside and the trial Court is directed to release the Tractor No. RJ-1-R-3189 with trolley in favour of the petitioner, who is the registered owner of the said tractor trolley, on furnishing the personal bond of Rs.2,00,000/- with a surety of the like amount with the condition that the petitioner will not transfer or alienate the same and shall produce when ordered by the trial Court.

(H.R. PANWAR), J.

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